

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8254 of 2020

1. Abdul Seeraj S/o Shri Abdul Gaffar Aged About 35 Years R/o Village - Bunjari Nagar, Thana - Ajani, District - Nagpur (Maharashtra), District : Nagpur, Maharashtra
2. Sandeep Hedau S/o Shri Ramu Hedau Aged About 34 Years R/o Raheena Dhanla, Thana - Mouda, District - Nagpur (Maharashtra), District : Nagpur, Maharashtra
3. Mayur Jhade S/o Shri Namdev, Aged About 25 Years R/o Village Rahina Akashpani, Near Hanuman Mandir, Thana - Yashodhara, District - Nagpur, (Maharashtra), District : Nagpur, Maharashtra

---- Applicants

Versus

The State Of Chhattisgarh, Through Station House Officer Of Police Station Mahasamund, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Sunil Sahu, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/03/2021

1. The applicants are arrested in connection with Crime No.588/2020 registered in Police Station- Mahasamund, District- Mahasamund (CG) for alleged commission of offence under Section 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that from the possession of the present applicants and other accused, huge quantity of liquor of 675 litres was seized which was found to be without valid authority or possession.
3. Learned counsel for the applicants would submit that the alleged seizure

from the possession of the present applicants is false. They are not involved in the alleged commission of offence. Learned counsel for the applicants submits that the investigation is complete, charge sheet has been filed and the applicants are in jail since 29.10.2020, therefore, at this stage, they may be granted bail as they are not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that huge quantity of 675 litres of liquor was seized from the possession of the present applicants and other accused, therefore, the applicants are prima facie involved in the alleged commission of offence as, such seizure has been made in the presence of independent witnesses.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the nature of allegation, maximum sentence which could be awarded for alleged commission of offence, the period of pre-trial detention and that in the absence of there being any material that the applicants are likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicants.
6. The application is accordingly allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge